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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,192	12/02/2005	E. Allen Drennan	022375-000110US	8808

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EXAMINER

QIAN, SONGWEI

ART UNIT	PAPER NUMBER
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2191

MAIL DATE	DELIVERY MODE
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11/13/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

9/1

Office Action Summary	Application No.		Applicant(s)	
	10/523,192		DRENNAN, E. ALLEN	
	Examiner		Art Unit	
	Songwei Qian		2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01/21/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The application is a 371 of PCT/US03/23331 filed on 07/25/2003 (10/523,192).
2. Claims 1-9 are pending in this application.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 1-9 are rejected under 35 U.S.C. 101 as the claimed invention is directed to non-statutory subject matter.

5. In claims 1-9, a "software development kit" is being recited; however, it appears that the software development kit would reasonably be interpreted by one of ordinary skill in the art as software, per se. Software, per se, is not one of statutory subject matter.

Claim Rejections - 35 USC § 103

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6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chappell et al. (Dave Chappell; Richard Monson-Haefel, "Java Message Service", O'Reilly, December 2000), hereinafter "Chappell", in view of Harvey et al. (US Pat. # 6,519,568 B1), hereinafter "Harvey".

8. As for claim 1, Chappell discloses:

A software development kit (Java Message Service (JMS), JNDI, and JDK 1.2.2, the seventh paragraph of Page 1 of Chapter 1, Page 5 of Chapter 2, the third paragraph of Section 9.5: "Sun Microsystems: Java Message Queue" of Chapter 9), which comprises:

means for establishing a connection to a server (obtaining a JNDI connection to the JMS messaging server, the fourth paragraph of Page 4 of Chapter 2);

means for sending a message (The following source code is a JMS-based chat client. Every participant in a chat session uses this Chat program to join a specific chat room (topic), and deliver and receive messages to and from that room, the fifth paragraph of Page 1 of Chapter 2); and,

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means for receiving a message (The following source code is a JMS-based chat client. Every participant in a chat session uses this Chat program to join a specific chat room (topic), and deliver and receive messages to and from that room, the fifth paragraph of Page 1 of Chapter 2).

However, Chappell does not explicitly disclose:

a server is a real-time server.

On the other hand, Harvey discloses:

a server is a real-time server (Col. 6, lines 45-47).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of Chappell with the teachings of Harvey by having a server to be a real-time server in order to provide for the seamless delivery of real-time data from the acquisition site (welsite) to the delivery site (client sites) with the integration of all data streams (Harvey, Col. 3, lines 36-39) and to allow two or more applications to exchange information in the form or messages (Chappell, the first paragraph of Page 1 of Chapter 1).

9. As for claim 2, the claim is rejected for the same reason as set forth in the rejection of claim 1. In addition, Chappell discloses:

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means for disconnecting from a server (The close() method is used to close the TopicConnection to the message server, the second paragraph of Page 8 of Chapter 2), and Harvey discloses:

a server is a real-time server (Col. 6, lines 45-47).

10. As for claim 3, the claim is rejected for the same reason as set forth in the rejection of claim 1. In addition, Chappell discloses:

means for creating a communications channel through a platform (the fifth paragraph of Page 4 of Chapter 2 and Section 2.1.2.6: "The Topic" of Page 9 of Chapter 2),

and Harvey discloses:

a platform is a real-time platform associated with said real-time server (Col. 4, line 66 to Col. 5, line 8 and Col. 6, lines 45-47).

11. As for claim 4, Chappell discloses:

means for joining a third party user to said communications channel (the first paragraph of Page 1 of Chapter 4, the first two paragraphs of Section 2.1.2.8 of Page 10 of Chapter 2, and Figure 2.1).

12. As for claim 6, Chappell discloses:

means for invoking said communications channel (Sections 2.1.2.6 and 2.1.2.7 of Pages 9-10 of Chapter 2, and the fifth paragraph of Page 4 of Chapter 2).

13. Claims 5 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chappell in view of Harvey, and further in view of Cottrille et al. (US Pat. # 6,076,100), hereinafter "Cottrille".

14. As for claim 5, both Chappell and Harvey does not explicitly discloses:
means for deleting a third party user from said communications channel.

However, Cottrille discloses:

means for deleting a third party user from said communications channel (Col. 7, lines 33-36).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of Chappell and Harvey with the teachings of Cottrille by deleting a third party user from said communications channel in order to prevents the user from joining the channel permanently (Cottrille, Col. 7, lines 22-23), to provide for the seamless delivery of real-time data from the acquisition site (welisite) to the delivery site (client sites) with the integration of all data streams (Harvey, Col. 3, lines 36-39), and to allow two or more applications to exchange information in the form or messages (Chappell, the first paragraph of Page 1 of Chapter 1).

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15. As for claim 8, the claim is rejected for the same reasons as set forth in the rejections of claims 1 and 5. In addition, Cottrille discloses:

means for announcing status to a server (Figs. 2-4 and Col. 6, lines 53-60).

and Harvey discloses:

a server is a real-time server (Col. 6, lines 45-47).

16. As for claim 9, the claim is rejected for the same reasons as set forth in the rejections of claims 1 and 5. In addition,

means for requesting third party user status from said server (Figs. 2-4, Col. 6, lines 53-60, and Col. 2, lines 16-19),

and Harvey discloses:

said server is said real-time server (Col. 6, lines 45-47).

17. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chappell in view of Harvey, and further in view of Wackerow et al. (Dieter Wackerow, David Armitage, Tony Skinner, "Administration and Programming Examples", MQSeries Version 5.1, IBM Redbooks, December 1999), hereinafter "Wackerow".

18. As for claim 7, both Chappell and Harvey does not explicitly discloses:

means for destroying said communications channel.

However, Wackerow discloses:

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means for destroying said communications channel (Page 103 and Figures 112 and 110).

It would have been obvious to one of ordinary skill in the art at the time of invention was made to combine the teachings of Chappell and Harvey with the teachings of Wackerow by destroying said communications channel in order to conserve resources on the client and server (Chappell, the second paragraph of Page 8 of Chapter 2).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Songwei Qian whose telephone number is 571-270-1910. The examiner can normally be reached on M-F (alternative Friday off 8:00am thru 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SQ
11/08/2007

MARY STEELMAN
PRIMARY EXAMINER

